

AMY R. ATWOOD (OSB #060407)
CENTER FOR BIOLOGICAL DIVERSITY
P.O. Box 11374
Portland, OR 97211
(971) 717-6401
atwood@biologicaldiversity.org

Lead Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

CENTER FOR BIOLOGICAL DIVERSITY,
et al.,

Case No: 18-CV-1035 (MO)

Plaintiffs;

v.

MUKUMOTO, et al.,

Defendants;

and

OREGON FOREST INDUSTRIES COUNCIL
et al.,

Defendant-Intervenors.

**SECOND JOINT MOTION TO
EXTEND DEADLINE FOR
PLAINTIFFS' BILL OF COSTS AND
MOTION FOR ATTORNEY FEES**

Plaintiffs and State Defendants, Oregon State forestry officials in their official capacities, hereby respectfully request an extension of the current deadline of March 20, 2024 for Plaintiffs to file a bill of costs pursuant to Fed. R. Civ. P. 54(d)(1) and LR 54-1, and their deadline to file a motion for attorney fees pursuant to Fed. R. Civ. P. 54(d)(2) and LR 54-3, if any (hereinafter

SECOND JOINT UNOPPOSED MOTION TO EXTEND DEADLINE FOR PLAINTIFFS TO
FILE BILL OF COSTS AND MOTION FOR ATTORNEY FEES, IF ANY

collectively “Plaintiffs’ fee motion”). This extension would allow the Plaintiffs and State Defendants to continue to negotiate a resolution of these matters without the need for Plaintiffs to file a fee motion with the Court. The parties request an extension with a new deadline of May 14, 2024. This extension would be less than 60 days and should provide sufficient time for the parties to complete their negotiations.

In accordance with LR 7-1(a), the undersigned counsel for Plaintiffs conferred with counsel for the Intervenor Defendants Oregon Forest Industries Council and Tillamook County. Counsel for the Intervenor-Defendants stated that they do not oppose this motion.

Since Plaintiffs submitted their offer to settle these matters on October 12, 2023 and the Court granted the parties’ first joint motion for an extension on November 21, 2023, ECF Nos. 204, 202, Defendants have had time to review Plaintiffs’ offer of settlement and to identify areas of disagreement, and are seeking management approval of a proposed counteroffer to settle the matter.

The requested extension will allow for Plaintiffs to have sufficient time to review Defendants’ counteroffer, and either accept it or attempt to resolve any remaining points of disagreement with the Defendants. In the event that any disputes ultimately cannot be resolved through negotiations, the requested extension should provide Plaintiffs sufficient time to prepare and file their fee motion.

Thus, granting this motion will allow Plaintiffs and the State Defendants sufficient time to continue to negotiate an out-of-court resolution of Plaintiffs’ claim for attorneys’ fees and litigation costs in this matter, and thereby avoid the need for Plaintiffs to prepare and file a fee motion.

Accordingly, in the interest of avoiding the need for Plaintiffs to file a bill of costs and/or motion for attorney fees under Fed. R. Civ. P. 54 and LR 54, if possible, Plaintiffs and State Defendants respectfully submit that there is good cause to grant this motion.

DATED: March 15, 2024

Respectfully submitted,

/s/ Deanna J. Chang

DEANNA J. CHANG #192202
Senior Assistant Attorney General
Trial Attorney
Tel (971) 673-1880
Fax (971) 673-5000
Deanna.J.Chang@doj.state.or.us

Of Attorneys for Defendants

/s/ Amy R. Atwood

AMY R. ATWOOD #060407
atwood@biologicaldiversity.org
Tel (971) 717-6401 office / (503) 504-5660 cell
P.O. Box 11374, Portland, OR 97211
CENTER FOR BIOLOGICAL DIVERSITY

Attorney for Plaintiffs